

BEST AVAILABLE COPY**RECEIVED
CENTRAL FAX CENTER****DEC 26 2006**

Serial No. 09/638,606

Atty Docket No. GIC-007-US
5702-00007**REMARKS**

Claims 21, 23, 25, 27, 29, 31, and 34-47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Poole '588 in view of Pacanowsky '514. Applicants reiterate that neither reference when taken alone or in combination with the other, describes or suggests a discrete SNCR agent, ammonium sulfate, and a separate gas generant composition. Poole has been commented on in past office action responses, and the same arguments are herein incorporated by reference as if fully stated herein.

In sum, Poole '588 describes compositions that mitigate the formation of NOx. Accordingly, nothing in Poole would motivate one of ordinary skill in the art to add a selective non-catalytic reducing (SNCR) agent to further remove NOx, for the compositions according to Poole are sufficiently formulated to provide optimum amounts of NOx. In essence, Poole does not describe or teach the necessity of removing NOx from the compositions of that invention, for the compositions described result in acceptable levels of NOx. Note that Poole describes the use of an alkali metal salt mixed within the composition. This is not akin to heterogeneous or separate relationship of the SNCR agent to the gas generant composition as claimed throughout the claims. See column 8, lines 39-47 of '588. No other method of reducing NOx is described or suggested, and therefore the requisite showing that one of ordinary skill in the art would be motivated to combine Poole and Pacanowsky has not been met. Poole describes his solution at column 8, lines 39-47, and therefore, no other solution would be suggested or required. Accordingly, a prima facie case of obviousness is not supported.

Even if Poole discussed the need for NOx removal from the compositions described therein, or suggested the need for further NOx removal (which Poole does not), Pacanowsky does not describe the use of ammonium sulfate as a discrete nitrogen reducing compound, but instead describes the use of ammonium sulfate mixed within a composition, thereby attenuating the affects of acceleration. It should further be

BEST AVAILABLE COPY

Serial No. 09/638,606

Atty Docket No. GIO-007-US
5702-00007

emphasized that Pacanowsky does not teach interspersing of the SNCR agent about the gas generant composition. Instead, Pacanowsky teaches an intimate mixture of all of the ingredients of the gas generant composition. The Examiner's attention is directed to Column 4, line 63 through Column 5, line 12, where an intimate mixture of ammonium sulfate and a gas generant composition are described. Contrary to the Examiner's assertion, Pacanowsky does not teach interspersal of the SNCR agent about the gas generant composition as stated by the Examiner on pages 3 and 4 of the final rejection. The Examiner in fact seems to say just the opposite in the "Response to the Arguments" section beginning on page 4: "Pacanowsky does not describe the use of ammonium sulfate as a discrete nitrogen compound but instead within the composition which would attenuate the affects of acceleration". As such, Pacanowsky does not describe nor suggest the claims as presently claimed.

In sum, neither reference when taken alone or in combination describes or suggests all of the limitations of the claims as presently claimed. Without that, a prima facie case of obviousness has not been made. Furthermore, for the sake of argument only, even if the limitations of the present claims were found in the references, the requisite showing of a motivation to combine the references has not been met. Anything other than the suggestion within the references amounts to nothing more than impermissible hindsight reconstruction of the claims. On this basis as well, a prima facie case of obviousness is simply not supported.

Accordingly, Applicants courteously request reconsideration of the standing rejections, allowance of the pending claims, and passage of the application to issue.

BEST AVAILABLE COPY

Serial No. 09/638,606

Atty Docket No. GIO-007-US
5702-00007

Applicants have calculated no additional fee to be due in connection with this paper. The Commissioner is authorized to charge any deficiencies or credit any overage to Deposit Account No. 50-3238. If the Applicants can be of any further assistance, the examiner is invited to contact the undersigned at the number given below.

Date 12/26/06

L.C. Begin & Associates, PLLC
510 Highland Avenue
PMB 403
Milford, Michigan 48381-1586

Respectfully submitted,

By 

Laurence C. Begin
Reg. No. 42310
Phone (248) 889-5875
FAX (248) 887-7664